



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Staff Sergeant Jeffry A. Collins - Reconsideration - Use of Foreign Air Carrier

File: B-219850

Date: November 23, 1987

DIGEST

General statements by a service member and his travel agent that U.S. air carrier service from Honolulu to Tokyo en route to Okinawa was unavailable on the date the member traveled do not provide adequate justification for use of a foreign air carrier when the transportation officer has denied certification for such travel. Adequacy of justification for use of a foreign carrier is determined in accordance with the Fly America Act standards of unavailability set forth in Joint Travel Regulations, Vol. 1, para. M2150. Absent certification of justification under those standards by the transportation or other appropriate officer, reimbursement for travel may not be made. Sergeant Jeffry A. Collins, USAF, B-219850, February 19, 1986, affirmed.

DECISION

This action is in response to a request for reconsideration of our decision, Sergeant Jeffry A. Collins, USAF, B-219850, February 19, 1986. In that case, Sergeant Collins was denied travel expenses because he and his family traveled to Okinawa in November 1980, pursuant to orders for a permanent change of station, on a foreign air carrier without providing adequate justification for use of the foreign air carrier. We noted that the applicable regulation in effect at the time of the travel, Joint Travel Regulations, Volume 1 (1 JTR), paragraph M2150, requires the use of air carriers in accordance with the Fly America Act, 49 U.S.C. App. § 1517. Paragraph M2152, 1 JTR, requires that travel by foreign air carriers be supported by a certificate or memorandum setting forth the justification for use of a foreign air carrier.

Sergeant Collins and his family were originally to travel by government air transportation from Travis Air Force Base,

040658

134483

California, to Okinawa. However, for personal reasons, he chose to visit Hawaii on the way to Okinawa and fly on a commercial airline with the understanding that he was obligated to pay all additional expenses. This alternate travel was approved by his superiors.

In his original claim, Sergeant Collins asserted that he was unaware of the requirement to use U.S. air carriers, but he also stated that U.S. air carrier service was unavailable to Okinawa. We pointed out, however, that the Comptroller General's decisions and guidelines require that the determination be made by a transportation or other appropriate officer that U.S. air carrier service was unavailable. We also pointed out that applicable regulations require that the traveler use U.S. air carrier service, if available at the origin, to the farthest practicable interchange point on a usually traveled route. We noted that Sergeant Collins had not submitted a statement of justification to the Air Force, nor had he indicated that he had attempted to use U.S. air carrier service on any portion of his travel.

In his request for reconsideration Sergeant Collins acknowledges that U.S. flag airlines were available from California to Hawaii, and he does not claim that portion of the trip. He claims, however, that U.S. air carrier service was unavailable from Honolulu, Hawaii, to Tokyo, Japan, and from Tokyo, Japan, to Okinawa, Japan, due to overbookings and flight cut backs by the U.S. air carrier, Northwest Orient.

The portion of the travel from San Francisco to Honolulu was performed on November 22, 1980. The remainder of the travel from Honolulu via Tokyo to Okinawa was performed November 27-29, 1980. Sergeant Collins, in support of his claim, has submitted a statement dated April 29, 1986, from Mr. Ward H. Percifield, President of All Points Travel, who booked the flights, which states that the Collins family:

"* * * were put on Japan Air Lines because, to the best of our knowledge, no American Flag carrier was available for the dates he had to travel----
22 November, 1980."

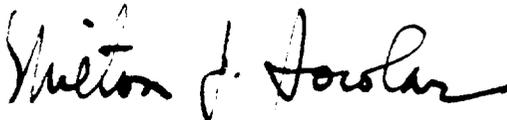
The Air Force Traffic Management Officer states that a certificate of nonavailability of a U.S. air carrier cannot be issued since the Air Force is unable to verify the availability of U.S. air carrier service during that period. The Air Force recommends disapproval of the claim because the documents submitted do not support Sergeant Collins' claim.

As noted above, Comptroller General decisions and guidelines and applicable regulations require that the determination of unavailability be made by a transportation or other appropriate officer. In the present case, no such determination has been made.

We have generally held that an employee's unsubstantiated justification certificate is not itself sufficient to authorize reimbursement for the use of a foreign air carrier. John King, Jr., 62 Comp. Gen. 278 (1983). However, we have allowed reimbursement to an employee who certified nonavailability of U.S. air carrier service for his own travel, under limited circumstances. In Nelson P. Fordham, 62 Comp. Gen. 512 (1983), the traveler claimed that U.S. air carriers were unavailable for the first portion of his temporary duty travel. Since the unavailability was due to a general airline strike and was externally verifiable, we found it was sufficient to allow reimbursement to the traveler.

It is our view that reimbursement may not be allowed on the basis of the record before us in the present case. The travel agent, in a statement made 5-1/2 years after the travel was performed, does state that to the best of his knowledge no American air carrier was available. However, since it appears that Sergeant Collins and the travel agent were unaware of the applicable travel restrictions at the time the flights were booked, it is unclear whether they fully considered the availability of U.S. air carriers and possible alternate travel times when the bookings were made. In this regard we note that the travel agent's statement refers to November 22, the beginning of the travel, rather than the portion performed November 27-29 for which Sergeant Collins is claiming. In addition, the transportation officer denied certification of nonavailability since nonavailability was not verifiable, and the Air Force recommends that payment not be made. Thus, there is insufficient justification for the Collins' travel on a foreign air carrier. Absent sufficient justification, we are unable to allow reimbursement for Sergeant Collins' travel.

Accordingly, the previous decision sustaining the disallowance of the claim is affirmed.

for 
Comptroller General
of the United States